

DuCHARME & COHEN
JAMES A. DuCHARME, ESQ., SBN 61002
E-MAIL: jducharme@pacbell.net
450 Taraval Street, P.M.B. 317
San Francisco, CA 94116-2530
Telephone: 415.495.4171
Facsimile: 888.668.4170

Attorneys for Plaintiff
JESSE HOUGHTAILING

VILLARREAL HUTNER & TODD PC
TRACY S. TODD, ESQ., SBN 172884
E-Mail: ttodd@vhattorneys.com
JULIE WONG, ESQ., SBN 247342
E-Mail: jwong@vhtattorneys.com
575 Market Street, Suite 300
San Francisco, California 94105
Telephone: 415.543.4200
Facsimile: 415.512.7674

Attorneys for Defendants
FRITO-LAY NORTH AMERICA, INC. and
PEPSICO, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JESSE HOUGHTAILING,

Plaintiff,

v.

FRITO-LAY NORTH AMERICA, INC., and
PEPSICO, INC., AND DOES 1 TO 100,
inclusive,

Defendants.

CASE NO. 3:11-cv-05062-TEH
Judge: Hon. Thelton E. Henderson

**STIPULATION AND REQUEST TO
CONTINUE ENTRY OF DISMISSAL;
~~PROPOSED~~ ORDER GRANTING
CONTINUANCE**

IT IS SO ORDERED AS MODIFIED

Action Filed: August 24, 2011
Removal Filed: October 14, 2011
Trial Date: None Set

1 TO THIS HONORABLE COURT:

2 Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and Defendants
3 Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their counsel, do hereby
4 agree, stipulate, and respectfully request as follows:

5 1. WHEREAS, on November 19, 2012, the court entered its Order of dismissal, 60 days
6 following, conditioned upon the performance of the settlement agreement or objection by a party;

7 2. WHEREAS, on February 19, 2013, the Court extended the dismissal deadline to March
8 18, 2013.

9 3. WHEREAS, on March 18, 2013, the Court extended the dismissal deadline to April 8,
10 2013.

11 4. WHEREAS, the parties have finalized the wording of the Release and Settlement
12 Agreement, but the consideration has not been exchanged;

13 5. WHEREAS, the parties need additional time to obtain the necessary approval from the
14 Workers' Compensation Appeals Board, and believe they will have a finalized agreement no later than
15 the end of April, 2013;

16 6. THE PARTIES HEREBY STIPULATE to continue the currently scheduled Dismissal up
17 to and including April 19, 2013, and request the Court to so Order.

18 IT IS SO STIPULATED.

19 Dated: April 5, 2013

DuCHARME & COHEN

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22 By s/ James A. DuCharme
23 JAMES A. DuCHARME
24 Attorneys for Plaintiff
25 JESSE HOUGHTAILING
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1 Dated: April 5, 2013

VILLARREAL HUTNER & TODD PC

2
3 By

/s/ Julie Wong

TRACY S. TODD

JULIE WONG

Attorneys for Defendants

FRITO-LAY NORTH AMERICA, INC.

and PEPSICO, INC.

ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

I attest that concurrence in the filing of this document by the signatory James A. Du Charme, has been obtained, and that a record of the concurrence shall be maintained by Villarreal Hutner & Todd PC.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed at San Francisco, California this 5th day of April, 2013

/s/ Julie Wong

Julie Wong

~~PROPOSED~~ ORDER

Having considered the foregoing stipulation of the parties, the Court orders the Dismissal in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-TEH, be continued to April 19, 2013, on the same conditions as this Court's Order of November 19, 2012. ABSOLUTELY no further extensions shall be granted.

IT IS SO ORDERED.

Dated: 04/08, 2013

